



WESTERN  
AUSTRALIAN  
GOVERNMENT

**Gazette**

945



PERTH, TUESDAY, 22 FEBRUARY 2000 No. 34 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.00 PM

## **SHIRE OF YORK**

---

**LOCAL GOVERNMENT ACT 1995**

**PARKING AND PARKING FACILITIES  
LOCAL LAW**

**EXTRACTIVE INDUSTRIES LOCAL LAW**

**STANDING ORDERS LOCAL LAW**

---

**CEMETERIES ACT 1986**

**LOCAL LAW RELATING TO THE YORK  
PUBLIC CEMETERY**



**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF YORK

**PARKING AND PARKING FACILITIES LOCAL LAW**

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of York resolved on 15 November 1999 to make the following local law.

The Shire of Coorow Parking and Parking Facilities Local Law published in the *Government Gazette* of 4 October 1999, is adopted as a local law of the Shire of York with the modifications which follow—

**1. Preliminary**

Wherever the “Shire of Coorow” is mentioned in the local law substitute “Shire of York”.

**2. Clause 1.2—Repeal**

Delete clause 1.2 and substitute—

**“1.2 Repeal**

The Shire of York Parking and Parking Facilities Local Law published in the *Government Gazette* on 7 April 1989 is repealed.”

**3. First Schedule**

The first schedule is amended by replacing the third schedule as follows—

The parking region is the area of the Shire of York enclosed by the following roads—

- |                     |                   |                      |
|---------------------|-------------------|----------------------|
| 1. Macartney Street | 6. Lowe Street    | 11. Balladong Road   |
| 2. Grey Street      | 7. South Street   | 12. Henrietta Street |
| 3. Ford Street      | 8. Monger Street  | 13. Forrest Street   |
| 4. Avon Terrace     | 9. Stephen Street | 14. Ulster Road      |
| 5. Macartney Street | 10. Thorn Street  | 15. Pool Street      |

and includes both sides of the above named roads within that area, but excludes the following portions of the district—

- the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- any thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the local government.

Dated: 15 November 1999.

The Common Seal of the Shire of York was affixed by resolution of the Council in the presence of—

GORDON W. MARWICK JP, Shire President.  
ELIOT FISHER JP, Chief Executive Officer.

**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF YORK

**EXTRACTIVE INDUSTRIES LOCAL LAW**

Under the power conferred by the Local Government Act 1995 and under all other powers, the Council of the Shire of York resolved on 15 November 1999 to make the following local law.

The Shire of Donnybrook/Balingup Extractive Industries Local Law published in the *Government Gazette* on 9 June 1998 is adopted as a local law of the Shire of York with the alterations which follow—

**1. Clause 1.1—Definitions**

1.1 In clause 1.1 in the definition of “local government”, delete “Shire of Donnybrook/Balingup” and substitute “Shire of York”.

**2. Clause 1.3—Repeal**

2.1 Delete clause 1.3 and substitute—

“The local laws of the Shire of York Relating to Extractive Industries published in the *Government Gazette* on 7 July 1989 are repealed.”

**3. Clause 2.3(1)—Application for licence**

3.1 In clause 2.3(1)(a)(v), delete “roads” and substitute “thoroughfares” in both places where it appears.

3.2 In clause 2.3(1)(b), in subparagraphs (vii) and (xv), delete “roads” and substitute “thoroughfares”.

3.3 In clause 2.3(1)(d), delete “road” and substitute “thoroughfare”.

**4. Clause 3.10(5)—Determination of application**

4.1 In clause 3.1(5)(b), delete “roads” and substitute “thoroughfares”.

4.2 In clause 3.1(5)(h) after the word “land” add the word “watercourses”.

**5. Clause 5.2—Use by the Local Government of secured sum**

No change.

**6. Clause 6.1—Limits on excavation near boundary**

6.1 In clause 6.1(c), delete “road” and substitute “thoroughfare”.

6.2 Delete paragraph (d) and replace with—

“(d) With 100 metres of any watercourse or within 700 metres from any wetland of designated conservation value.”

**7. Clause 6.2—Prohibitions**

7.1 In clause 6.2(a), delete “road reserve” and substitute “thoroughfare” and delete “roads” and substitute “thoroughfares”.

**8. Clause 6.3(1)—Blasting**

8.1 In clause 6.3(1)(c), delete “Environment” and substitute “Environmental”.

**9. Forms 3, 4 and 5**

9.1 In Forms 3, 4 and 5, delete “Shire of Donnybrook/Balingup” wherever it occurs and substitute “Shire of York”.

---

Dated: 15 November 1999.

The Common Seal of the Shire of York was affixed by authority of a resolution of its Council in the presence of—

GORDON W. MARWICK JP, Shire President.  
ELIOT FISHER JP, Chief Executive Officer.

---

**LOCAL GOVERNMENT ACT 1995**

## SHIRE OF YORK

**STANDING ORDERS LOCAL LAW**

Under the power conferred by the Local Government Act 1995 the Council of the Shire of York resolved on 15 November 1999 to adopt the model local law (Standing Order) 1998 published in the *Government Gazette* on 3 April 1998, with such modifications as are set out below.

The standing orders of the Shire of York published in the *Government Gazette* on 23 January 1962 are repealed.

Wherever the draft local laws require the insertion of the name of the local government insert the words "Shire of York". In all spaces where the option "Mayor" or "President" occurs, delete the word "Mayor".

Delete the words "or a committee" and "(or committee)" wherever occurring in the Model Local Law.

**ARRANGEMENT****Part 5**

Delete the word "financial" in the heading.

**Part 10**

10.2 Delete the words "not to speak on amendment" and substitute "to forfeit right of reply" in the heading.

**Part 12**

12.2 Delete the word "question" and insert the words "the matter"

12.4 Delete the word "question" and insert the word "the motion"

**Part 13**

13.1 Delete the word "question" and insert the word "motion"

13.2 Delete the word "question" and insert the word "motion"

**Part 16**

Delete clause 16.2 renumber clause 16.3, 16.4 and 16.5

**Part 17**

Delete 17.6

**1.3—Interpretation**

After the definition of "simple majority", insert a new section "75% majority".

"75% majority" means in relation to a Council a majority comprising enough of the members for the time being of the Council for their number to be at least 75% of the number of offices (whether vacant or not) of members of Council.

Insert a new section "absolute majority"

"Absolute majority" means in relation to a Council a majority comprising enough of the members for the time being of the Council for their number to be more than 50% of the offices (whether vacant or not) of members of the Council.

**MEETINGS**

2.1 Insert a new sub-paragraph "2.1 calling meetings ordinary or special"

The calling of meetings shall be in accordance with the provisions of the Local Government Act 1995 section 5.4, as detailed.

Re-number section 2.1 as 2.2

**BUSINESS OF MEETINGS**

3.1 Delete sub-paragraph (3)

Re-number (4) as (3)

3.2 Delete clause 3.2 and insert "unless otherwise decided by the Council the order of business at any ordinary meeting of the Council shall be"

**1. OPENING**

*1.1 Declaration of Opening*

*1.2 Announcement of Visitors*

*1.3 Announcement of any Declared Financial Interests*

## 2. ATTENDANCE

2.1 *Members*2.2 *Staff*2.3 *Apologies*2.4 *Leave of Absence Previously Approved*

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

## 4. PUBLIC QUESTION TIME

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

## 6. PETITIONS/PRESENTATIONS/DEPUTATIONS

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

## 8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

## 9. REPORTS OF COMMITTEES AND OFFICERS

9.1 *Youth and Development Committee*9.2 *Economic Development, Heritage and Environment Committee*9.3 *Planning and Resources Committee*9.4 *Finance*9.5 *Confidential Reports*9.6 *Late Reports*

## 10. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

## 11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING (ELECTED MEMBERS, OFFICERS)

## 12. DELEGATES' REPORTS

## 13. CLOSURE"

3.4 Delete the word "effective" and insert the word "received"

3.4(d) Delete the words "and the date each elector signs"

Sub paragraph (g)

Insert a new sub-paragraph—

“(v) A petition for a Citizens Initiated Referendum”

3.8 Delete the word in the heading "correspondence" and insert the words "agenda and report"

Sub-paragraph (1)

Delete "(1)" and insert a new clause—

“(1) The Chief Executive Officer may prepare for a presentation to any meeting a report dealing with any matter which, in the opinion of the Chief Executive Officer, should be drawn to the attention of the meeting, or which by law are matters that are required to be dealt with by the Council.”

(2) Delete sub-clause (2) and insert "subject to the next section the Chief Executive Officer shall send to each Councillor a copy of any report which the chief executive officer proposes to present to the meeting. The report shall be sent to each Councillor not less than 4 days before the commencement of the meeting.

Insert a new clause (3)—

“(3) In cases of urgency or other special circumstances a report by the chief executive officer may, with the consent of the president, be read or otherwise be given to councillors prior to or at the meeting, notwithstanding that it has not been sent to councillors in accordance with the preceding section.

(4) Delete the word "correspondence" in line 1 and insert the words "a report".

Delete the words "if the circumstances permit" after the words "the Chief Executive Officer is" in line 2.

Delete the words "or state the alternative courses of action available" in line 3.

3.9 Sub-clause (5)

Delete the word "policy" and insert the word "matter"

3.10 Sub-clause (1)

Delete all the words after the words "writing to the Chief Executive Officer"

Sub-clause (2)

Delete this clause

Sub-clause (3)

Delete this clause

3.12 Delete the words after "in writing to the Chief Executive Officer" and insert the words—

“The Chief Executive Officer shall contact the Shire President to seek approval for the deputation” after the words "in writing to the Chief Executive Officer"

Sub-clause (2)

Delete this clause

Sub-clause (3)

Delete this clause

Sub-clause (4)

Delete this clause

#### PUBLIC ACCESS TO AGENDA MATERIAL

4.3 Insert a new clause (3)—

“A member of the Council, Committee or an employee of the Council found to be in breach of confidentiality shall, at the discretion of the Council, have the matter referred to the Courts to be dealt with as a breach of this local law.”

delete the penalty clause

#### DISCLOSURE OF INTERESTS

Delete the word “financial” in the heading

5.6 Insert—

“Reference to interests by members”

No member shall enquire as to or make reference to the interest of another member during a Council meeting.

Insert new sections 5.7 Declaration of a Conflict of Interest

5.7.1 In this section “interests under this section means an interest of a personal nature which a member or employee has in a matter which is not required to be disclosed under section 5.60 of the Local Government Act, but which a reasonable person, knowing the facts, might assume would influence the consideration of the matter by the member or the employee (examples are applications for approval, consent or license by a parent, sibling, adult child or close friend or member or employee).”

Insert a new 5.7.2—

“If a member or employee attending a meeting of the Council has an interest under this section in a matter proposed to be considered at that meeting, the member or employee should disclose that interest at the meeting before the discussion of any matter that requires a decision to be made by the council.”

5.7.3 A member or employee expected to disclose an interest under this section ought to leave the chamber or room of the meeting whilst the matter is discussed or voted upon, unless the meeting resolves to request that the person remain to give an explanation or for any other purpose, in which case the person should leave the meeting immediately afterwards until the matter has been voted upon.

5.7.4 In applying the preceding section, members must bear in mind the obligation under section 5.21(2) of the act to vote at a meeting where the member is present and any problem the Council might have in achieving a quorum or an absolute or special (75%) majority in connection with the matter.

5.7.5 The decision to disclose an interest under this section is a decision to be made by the member or employee and is not to be determined by resolution of the meeting.

#### CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

8.1 After the words “official titles” insert the words “or as Mr, Mrs, Miss or Ms” as the case may be.

8.4(1) Delete this clause and insert—

“Members of the Council should refrain from adverse reflection on prior decisions of the council except to provide a statement or reasoned argument setting out factual information relating to the decision.”

8.4(2) Delete the penalty.

8.4(3) Delete this clause

8.6 Delete the penalty wherever shown

9.5 Add after the words “or in explanation” the words “or to seek specific information or clarification”

10.1 Delete the words after the words “before speaking” the words “to it” and “in support of the motion”

10.5 Delete the word “question” in the title and insert the word “motion”

Delete the words “the person presiding may order a” and insert the words “a councillor may call for a motion involving a”

Insert after the words “put in sequence” the words “where such occurs the person presiding shall seek the approval of the meeting for this to occur.”

10.8 Delete the word “question” in the heading and insert the word “motion”

In line one delete the word “question” and insert the word “motion”

10.12 In the heading delete the words “not to speak on amendment” and insert the words “to forfeit right of reply”

#### PROCEDURAL MOTIONS

11.1(b) Delete the word “question” and insert the word “matter”

(d) Delete the word “question” and insert the word “motion”

12.2 Delete the word “question” and insert the word “matter”

12.4 Delete the word "question" and insert the words "the motion be now put"

In line 1 delete the word "question" insert the words "motion be now"

12.7 Delete the penalty

#### MAKING DECISIONS

13.1 Delete the word "question" and insert the word "motion" wherever occurring

13.2 Delete the word "question" and insert the word "motion".

#### PRESERVING ORDER

15.8 Delete the penalty

#### ADJOURNMENT OF MEETING

16.2 Delete the clause completely and re-number clauses 16.3, 16.4 and 16.5.

#### COMMITTEES OF THE COUNCIL

17.5(a) Delete the words after "by the Council" the words "and replace by an alternative decision or"

Delete sub paragraph (b)

Re-number sub paragraph (c) as (b)

17.6 Delete this clause and insert the word "deleted"

\_\_\_\_\_

Dated: 15 November 1999.

The Common Seal of the Shire of York was hereunto affixed by authority of the Council in the presence of—

GORDON W. MARWICK JP, Shire President.  
ELIOT FISHER JP, Chief Executive Officer.

\_\_\_\_\_



**CEMETERIES ACT 1986**

## SHIRE OF YORK

**LOCAL LAW RELATING TO THE YORK PUBLIC CEMETERY**

Under the powers conferred by the Cemeteries Act 1986, the Council of the Shire of York resolved on 15 November 1999 to adopt the Model local Law (Cemeteries) 1998 published in the *Government Gazette* on 12 May 1998, with such modifications as are here set out—

**Clause 1.1**

Insert after the words "cited as the" the words "Shire of York Cemeteries Local Law 1999".

**Clause 1.2**

Insert after the definition "Board" means the", the words "Shire of York"

**Clause 1.4**

Insert after "The following Local Law is repealed:—"

"The York Public Cemetery By-laws published in the *Government Gazette* of 7 June 1935, as amended."

**Clause 3.4(1)**

Delete "or crematorium within the cemetery."

**Clause 4.2**

Delete "or crematorium"

**Clause 4.3**

Delete "or crematorium,"

**Clause 5.1(a)**

Delete "or cremation"

**Clause 5.2**

Delete "or cremation" and "or clause 3.2"

**Part 5, Division 2**

Delete

**Clause 5.12**

Delete "Memorial Wall  
Garden of Remembrance  
Ground Niche  
Memorial Rose, Tree or Shrub  
Family Shrub  
Memorial Desk  
Granite Seat  
Book of Remembrance  
Memorial Gardens"

**Clause 5.13**

Delete

**Clause 5.14**

Delete

**Clause 7.12**

Delete and substitute—

"7.12 person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act."

**Part 7, Division 2**

Delete clause 7.13

Dated: 15 November 1999.

The Common Seal of the Shire of York was hereunto affixed in the presence of—

GORDON W. MARWICK JP, Shire President.  
ELIOT FISHER JP, Chief Executive Officer.







2 0 0 0 0 0 0 3 4 6 6